IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 10267 of 2007(V)

PETITIONERS:

1. V.THANKAMANI, W/O.SETHUMADHAVAN,
AGED 60 YEARS, MANAGER, ALP SCHOOL,
THALAYANAKKAD, KADAMBUR P.O., PALAKKAD DISTRICT.

2. K.INDIRA, W/O.PRASANTH.K.,
AGED 21 YEARS, L.P.S.A., ALP SCHOOL,
THALAYANAKKAD, KADAMBUR P.O., PALAKKAD DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF
GENERAL EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. AEO, CHERPPULASSERY, PALAKKAD DISTRICT.

4. DISTRICT EDUCATIONAL OFFICER,
OTTAPPALAM, PALAKKAD DISTRICT.

BY SR. GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of appointment order dated 6.12.2006, issued by the 1st petitioner to the 2nd petitioner.

Ext.P2: True copy of proceeding forwarded by the 1st petitioner to the office of the 2nd respondent, in pursuance of Ext.P1 order of appointment.

Ext.P3: True copy of order No.G.O.(P)No.259/06/G.Edn. Dated 12.10.2006 issued by the 3rd respondent.

Ext.P4: True copy of order bearing No.K.Dis.E.5943/06 dated 26.12.2006 issued by the 3rd respondent.

Ext.P5: True copy of revision petition submitted by the 1st petitioner before the 4th respondent dated 15.1.2007.

Ext.P5(a): True copy of revision petition submitted by the 2nd petitioner before the 4th respondent dated 20.1.2007.

// True copy //

P.A. To Judge

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A.K.BASHEER, J.

W.P.(C)No.10267 OF 2007

Dated this the 11th day of June, 2007

JUDGMENT

Petitioners, who are stated to be the Manager and Lower Primary School Teacher respectively, contend that Ext.P4 order passed by respondent no.3 is manifestly illegal and unsustainable in as much as the said order has been passed without having regard to the statutory provisions as well as other relevant orders issued by the Government. Though Ext.P4 order is appealable, petitioners have chosen to prefer Exts.P5 and P5(a) revision petitions before the Government. Learned Government Pleader submits that the course adopted by the petitioners does not appear to be legally sustainable.

2. However, in the nature of the order that I propose to pass, particularly in view of the submission made by the learned counsel for the petitioners at the Bar, I do not deem it necessary to consider either the merit of the contentions or maintainability of Exts.P5 and P5(a).

3. The writ petition is disposed of with a direction to respondent no.1 to consider and pass orders on Exts.P5 and P5(a) strictly on their merit and in accordance with law as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. Question of maintainability of Exts.P5 and P5(a) shall also be decided by respondent no.1. Needless to mention that petitioners shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioners shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.1 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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